

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

<b>SHIRLEY L. PHELPS-ROPER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:06-cv-04156-FJG</b>
	)	
<b>CHRIS KOSTER, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

Consent Motion for Order that Plaintiff's Motion for Attorneys' Fees  
Have the Same Effect Under Federal Rule of Appellate Procedure 4(a)(4) as a  
Timely Motion Under Federal Rule of Civil Procedure 59

Comes now Plaintiff, pursuant to Federal Rule of Civil Procedure 58(e) and, with consent of Defendants, moves this Court for entry of an order that Plaintiff's pending motion for attorneys' fees have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Federal Rule of Civil Procedure 59. In support, Plaintiff states:

1. On March 10, 2014, this Court entered its judgment disposing of Plaintiff's claims in this case.
2. On March 21, 2014, Plaintiff filed a timely motion for attorneys' fees pursuant to Federal Rule of Civil Procedure 54(d)(2) and 42 U.S.C. § 1988. (Doc. # 325).
3. No notice of appeal has been filed.
4. Rule 58(e) provides that, "if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59."
5. Defendants consent to this motion.

WHEREFORE Plaintiff moves this Court for entry of an order that Plaintiff's pending motion for attorneys' fees have the same effect under Federal Rules of Appellate Procedure 4(a)(4) as a timely motion under Federal Rule of Civil Procedure 59.

Respectfully submitted,

/s/ Anthony E. Rothert  
ANTHONY E. ROTHERT, #44827  
American Civil Liberties Union  
of Missouri Foundation  
454 Whittier Street  
St. Louis, Missouri 63108  
Phone – 314/652-3114  
Fax – 314/652-3112

**Attorneys for Plaintiff**

**Certificate of Service**

I certify that a copy of the forgoing was filed electronically with the Clerk and delivered by operation of the CM/ECF system to the counsel of record on March 21, 2014.

/s/ Anthony E. Rothert